

FILED  
HARRISBURG

In USMDC - Harrisburg

JAN 2 - 2001

Barr

-v-

Munley, et al.

Judge Kane

MARY E. D'ANDREA, CLERK

Per

DEPUTY CLERK

CR: 7.5 Brief for Motion of Summary Judgement

ORIGINAL

6m  
1/2/01

1) This plaintiff intends to prove far beyond reasonable doubt before a jury of his peers that Larry Davis by his own accord knowingly and willingly violated this plaintiff's US Constitutional rights of Cruel and Unusual Punishment (USC, Amend VIII) and Due Process (USC, Amend V and XIV, Sect I) when Davis knowingly and willingly violated DOC Policy of having this plaintiff transferred to a supermax of SCI-Rockview without the accompaniment of a video cam corder.

2) This plaintiff intends to prove far beyond reasonable doubt before a jury of their peers that ~~was done only to Larry Davis~~ and his partner-in-crime Mitchell could carry out their heinous and assault on me - before another CO, mind you. Thus violating this plaintiff's US Constitutional rights of Cruel and Unusual Punishment (USC, Amend VIII) and Due Process (USC, Amend V and XIV, Sect I) as of such needless crime. If I was "out of control" every do in that camp would've jumped me - so didn't one who was in the very room at the time?!!!

3) This plaintiff intends to prove far beyond reasonable doubt before a jury of his peers that Davis & co. violated this plaintiff's US Constitutional rights of Cruel and Unusual Punishment (USC, Amend VIII) and Due Process (USC, Amend V and XIV, Sect I) by lying on paperwork to cover up his bastard attack. This plaintiff did 120 days RMC time for allegedly failing to produce a urine sample during the morning of Feb 6, 1999. This plaintiff holds in his possession a letter from the Security Committee of SCI-Pittsburgh, Mr. Clarence W. Blakey, stating I did indeed fail to produce a urine sample on April 24, 2000, resulting in my first drug-related offense. April 24, 2000 - that's w only 1 year, 2 mos and 19 days (don't forget leap year) after I was assaulted for "alleged very alleged drug-related crimes" at SCI-Rockview on Feb 6, 1999. You can say a thing Larry - back it!!!! Yes, a first failed-urine test at SCI-P and no one here broke my ribs!!!!

4) This plaintiff intends to prove far beyond reasonable doubt before a jury of his peers that SCI-R Super, RW Myers was informed of this assault via proper DOC grievance procedure. And, that by refusing to do anything, including separating this plaintiff from



assailants, ~~my~~ ~~myself~~ did indeed knowingly and willingly violate this plaintiff's US Constitutional rights of Cruel and Unusual Punishment (USC, Amend VIII) and that of Due Process (USC, Amend XIV, Sect I) as a result of such blatant behavior.

- 5) This plaintiff intends to prove far beyond reasonable doubt before a jury of his peers that Martin deliberately and maliciously violated this plaintiff's US Constitutional rights of Cruel and Unusual Punishment (USC, Amend VIII) and that of Due Process (USC, Amend V and XIV, Sect I) when he also refused to acknowledge the need of separation from my assailants, despite the appealed grievance brought to his attention as well as several letters personally sent from me to him concerning the matter. He didn't want to hear of it. That was till I first filed suit against him!
- 6) This plaintiff intends to prove far beyond reasonable doubt before a jury of their peers that Gaerther, and Wakefield are Cruel and Unusual Punishment (USC, Amend VIII) and that of Due Process (USC, Amend XIV, Sect I) by ignoring my pleas for a separation from my assailants, while harassing me every day with their stories of attempts to help Davis and Mitchell cover up their tracks, thus aiding and abetting criminals... Criminal Conspirators they became themselves!!!!
- 7) This plaintiff intends to prove far beyond reasonable doubt before a jury of his peers that Tom, Gov. of this state, head of PA DOC knowingly and willingly violated this plaintiff's US Constitutional rights of Cruel and Unusual Punishment (USC, Amend VIII) and Due Process (USC, Amend V and XIV, Sect I) by having such behavior and criminal activity go on in an SEC-Camp, billed as... "The House Tom Built." Well, "House builder Tom"... you now find yourself responsible for not better controlling the animals that roam the house you built. I mean that ~~SS~~ squad of yours when I say "real animals". I sure can't tell with that swastika on their church's windows,
- 8) This plaintiff intends to prove far beyond reasonable doubt before a jury of his peers that J. Munley did knowingly and willingly violate this plaintiff's US Constitutional Rights of Cruel and Unusual Punishment (USC, Amend VIII) and Due Process (USC, Amend V and XIV, Sect I) by doing everything in his power, as judge of US MD Courts in Saranton, to further aid and abet the criminals who assaulted me, including deliberately attempting to allow the statutes of limitation to expire, thus allowing criminals to get away with what they did to me and he wouldn't have to work. It was a good run; unfortunate for you it was your time that ran out, Munley. You really thought I was gonna let you get away with letting my assailants get away with what they did to me? You need help!!!!



doesn't excuse the past, the pain I continue to feel and future complications. X-rays have indeed confirmed my ribs are still messed up badly; so, yes I hope each and everyone of you goes is as happy today as you were on 6 Feb 92. Must be... the statistics on your ~~team~~ team! Munley's on your team... well, I'm not and I'm the one you assaulted!!!!!! Hairline fracture - my ass - my ribs were busted Rockwell. And you knew it!!

You just gotta lie!!!!!!  
Yes, this plaintiff will have his good name tarnished with taunts, ridicule, and unjustly warranted labels as "belligerent", "arrogant", "rebellious", "disrespectful" - poppy cake! I am a law abiding citizen who believes in justice and that the punishment should fit the crime... "belligerence", "arrogance", "rebellion" and "disrespect": if I am guilty of such... are not crimes to begin with. Assault is a crime, Conspiracy is a crime, aiding and abetting criminals is a crime. You are criminals!!!!

Therefore, I being the victim of such perpetrated crimes have no other choice but to continue abiding by the laws of the land and seek justice. Yes, this was once cancelled due to religious beliefs... belief I still possess... indeed I'm so religious I'm looking forward to the day I can watch my assailants and their cohorts-in-crime burn in Hell for what they did to me and put me through as a result of their criminal cover-ups. I wasn't even allowed to receive copies of USC-1983's from Munley's Seranton Clerk of Courts - I needed to make up my own a blatant violation of my US Constitutional rights of Cruel and Unusual Punishment

(USC Amend VIII) and Due Process (USC Amend V and XIV, Sect I). I have the right to seek justice. You criminals can cry "Give your allegations" all you want. You're the one who had a judge that won't schedule a court date. So, go ahead... you pick the twelve... all twelve and a court date... I will be there!! And you ask "whose he think he is... one-billion-dollars?" - you should be asking "why's he letting us go so easy?" Oh, I tried to have you arrested - the cops bought your bull... I won't see you made me mad, Larry Davis... - very, very mad!!!!

Philip J. BARR  
Philip J. BARR  
you - a plaintiff  
12/26/00



This is to satisfy the courts that this orders the service of the enclosed 12 (twelve) copies of this plaintiff's brief for motion of summary judgement, as stipulated in LR:7.5 of USMBC rules, be serviced on opposing counsel to whom I have no address for at this time and each of the defendants named in this Civil Action in the manner specified below:

Service through first-class mail

to: opposing counsel

Address Unknown

Philip J. Bare

pro-se plaintiff

12/29/00

Philip J. Bare

Box 99901

Pittsburgh PA 15233